

**ZB# 07-23**

**Dr. Louis Cappa**

**46-2-50.31**

07-23  
D.R. Louis Capra (AEC4)  
Blooming 6E Tpk. (46-2-5)

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553

*Granted 7/9/07*

**OFFICE OF THE PLANNING BOARD  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY**

**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION**

PLANNING BOARD FILE NUMBER: 07-06

DATE: 3-16-07

**APPLICANT:**

**Louis and Jill Cappa  
534 Blooming Grove Tpke.  
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: 1-26-07

FOR: SITE PLAN

LOCATED AT: 534 Blooming Grove Tpke. (NYS Rt. 94)

ZONE: PO

DESCRIPTION OF EXISTING SITE: SEC: 46 BLOCK: 2 LOT: 50.31

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

**Area Type Variances required for Lot Area, Rear Yard setback, and Development Coverage.**

TOWN OF NEW WINDSOR CODE: Bulk Tables - Section 300-8

Mark J. Edsall P.E., P.P.  
Mark J. Edsall, P.E., P.P.  
Engineer for the Planning Board

**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued**

**REQUIREMENTS**

P.B. # **07-06**

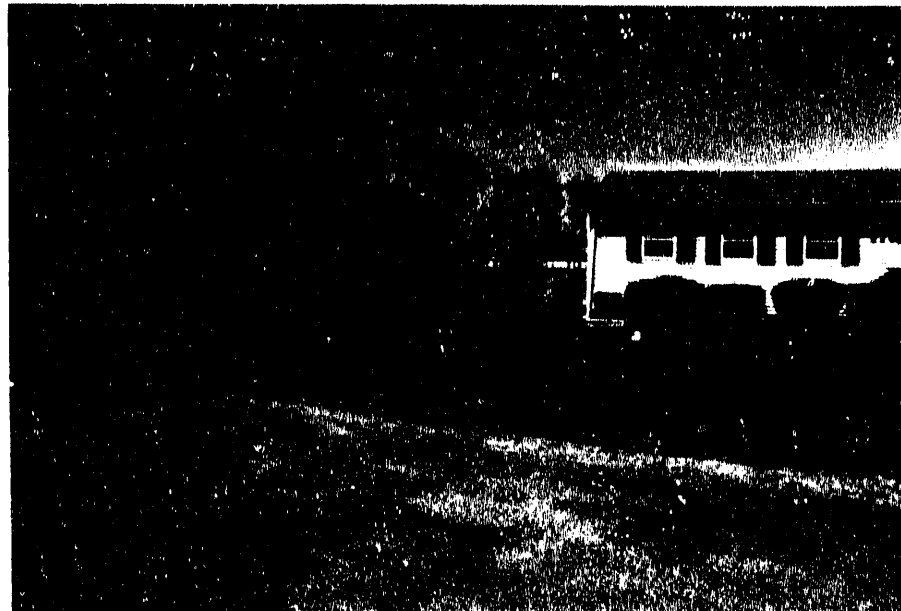
ZONE: **PO**

USE: **A-5**

	REQUIRED	PROPOSED	VARIANCE REQUESTED
MIN. LOT AREA	43560 sf	32117	11443 sf
MIN. LOT WIDTH	125 ft	207	-
REQUIRED FRONT YARD	45 ft	94+	-
REQUIRED SIDE YARD	20 ft	21+	-
REQUIRED TOTAL SIDE YARD	40 ft	66+	-
REQUIRED REAR YARD	50 ft	13.75**	36.25 ft
REQUIRED FRONTAGE	70 ft	207	-
MAX. BLDG. HT.	35 ft	<35	-
FLOOR AREA RATIO	n/a	n/a	-
MIN. LIVABLE AREA	n/a	n/a	-
DEVELOPMENTAL COVERAGE	20%	55%	35%
O/S PARKING SPACES	33	33	-

**PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.**

**CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE**



NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 46-2-50.31

In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

**DR. LOUIS CAPPA**

**AREA VARIANCE**

CASE #07-23

**WHEREAS, Dr. LOUIS CAPPA**, owner(s) of 534 Blooming Grove Tpke., New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a request for 11,443 square foot maximum lot area and 36.25 foot rear yard setback and 35% developmental coverage for proposed addition to existing medical office.

**WHEREAS**, a public hearing was held on July 9, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant was represented by Anthony Coppola, A.I.A.; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a professional office located in a neighborhood of professional offices on a busy commercial highway.
  - (b) The property consists of an existing one story building used as a podiatrist's office and a contiguous lot, also owned by the Applicant, on which the applicant proposes to construct a similar office attached to the existing building of approximately 1, 200 sq. ft. and the addition of approximately 3,800 sq. ft.
  - (c) If this request is approved by this Board applicant acknowledges that it will be subject to review and approval by the New Windsor Planning Board and applicant intends to combine the two existing lots into one lot in connection with the application to the Planning Board.

- (d) The rear of the acquired property contains two easements, a sanitary sewer easement and a drainage easement. The proposed addition will not be on top of nor will it interfere with either easement.
- (e) The Applicant intends to occupy the newer portion as his office and to rent out the existing portion. Applicant will limit such rental to professional uses including, but not limited to, doctors, lawyers and architects.
- (f) The site provides adequate parking for those proposed professional offices.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s) Provided the following conditions are met:
  - (a) The two lots mentioned herein shall be combined into a single ownership in a manner acceptable to the New Windsor Planning Board at the time of that application.
  - (b) Both the addition and the existing building are only to be used as professional offices including dental, podiatric, attorney, architect medical doctor or chiropractic offices.

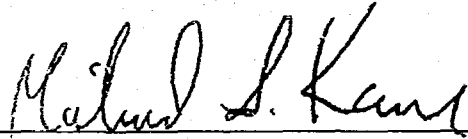
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for 11,443 square foot maximum lot area and 36.25 foot rear yard setback and 35% developmental coverage for proposed addition to existing medical office as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: July 9, 2007

A handwritten signature in cursive script, reading "Michael S. Kane", is written over a horizontal line.

Chairman



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: JACK FINNEGAN, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: NOVEMBER 8, 2007**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 340.60 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #07-23**

**NAME & ADDRESS:**

**Dr. Louis Cappa  
534 Blooming Grove Tpk.  
New Windsor, NY 12553**

**THANK YOU,**

**MYRA**

**J.F.11/08/07**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #07-23      TYPE: AREA      TELEPHONE: 561-3559

**APPLICANT:**

Dr. Louis Cappa  
534 Blooming Grove Tpk.  
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # <u>4069</u>
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:      COMMERCIAL \$500.00      CHECK # 4068

~~~~~

| <u>DISBURSEMENTS:</u> | <u>MINUTES</u>       | <u>ATTORNEY</u> |
|-----------------------|----------------------|-----------------|
|                       | <u>\$7.00 / PAGE</u> | <u>FEE</u>      |

|                              |          |       |                 |                 |
|------------------------------|----------|-------|-----------------|-----------------|
| PRELIMINARY:                 | <u>4</u> | PAGES | \$ <u>28.00</u> | \$ <u>35.00</u> |
| 2 <sup>ND</sup> PRELIMINARY: | —        | PAGES | \$ _____        | \$ _____        |
| PUBLIC HEARING:              | <u>6</u> | PAGES | \$ <u>42.00</u> | \$ <u>35.00</u> |
| PUBLIC HEARING:              | —        | PAGES | \$ _____        | \$ _____        |

LEGAL AD: Publish Date: 06-29-07      \$ 19.40

TOTAL:      \$ 89.40      \$ 70.00

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ESCROW POSTED:      \$ 500.00  
LESS: DISBURSEMENTS:      \$ 159.40

AMOUNT DUE:      \$ \_\_\_\_\_

REFUND DUE:      \$ 340.60

Cc:

J.F.. 11/08/07

June 11, 2007

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PRELIMINARY MEETINGS

DR. LOUIS CAPPA (07-23)

MR. KANE: Tonight's first preliminary meeting Dr. Louis Cappa. Request for 11,443 square foot minimum lot area and 36.25 foot rear yard setback and 35% developmental coverage for proposed addition to existing medical office at 534 Blooming Gorge Turnpike.

What the Town of New Windsor does is we hold two meetings, we hold a preliminary meeting and we hold a public meeting. By law, New York State, all our decisions have to be made in the form of a public meeting. And the reason we hold preliminary is to get a general idea what you want to do, if you need more information you can come back with that information. Other towns if you walk in and you don't have what you need you lose, that's why we do a two step process here. What happens here in the preliminary meeting will be the exact same thing as in the public, so it's kind of a dress rehearsal. Okay, your name, speak loud enough for the young lady over there to hear you.

MS. PAGANO: Christine Pagano from Coppola Associates. We represent Jill and Dr. Lou Cappa who currently have an existing doctor's office in New Windsor and we're looking to put an addition on at 3,757 square feet and we're actually looking for a lot variance because the minimum lot variance required is 43,560 and the proposed is 32,117 so we're looking for a variance for that. Also the setback we're going to, it's 24, 40 is required and the proposed is 13.9, we're meeting the existing setback of the existing building and also the developmental coverage required is 20 percent and the proposed is 55 percent so we're 35 percent over so we're looking for the variance for that.

(Whereupon, Mr. Krieger entered the room.)

MR. LUNDSTROM: Question. The proposed development coverage does that include the paved parking areas?

June 11, 2007

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MS. PAGANO: Yes, we conform to the number of parking, we're handicapped accessible, the existing entrance here remains the same.

MR. KANE: On the 13 foot?

MS. PAGANO: In the rear?

MR. KANE: Yeah, rear yard setback, what's behind you I see there's a utility easement, I see Sandcastle Homes, how close are the homes?

MS. PAGANO: There are no homes as of yet, there's a cul-de-sac in here.

MR. BABCOCK: It's a new subdivision.

MR. KANE: Mike, do we know how wide that easement is there?

MS. PAGANO: Drainage easement is 15 foot.

MR. BABCOCK: The rear yard setback for those homes would be 45 feet so the home would be minimum of 45 feet from that property line.

MR. KANE: Cutting down any trees, substantial vegetation in the building of the addition?

MS. PAGANO: Just trees in the lot that Dr. Cappa purchased, he purchased the lot next to his existing office building and there's trees on this lot that would have to be knocked down.

MR. KANE: Substantial amount?

MS. PAGANO: No.

MR. KANE: Create any water hazards or runoffs?

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MS. PAGANO: No and the water retention would be going underneath the parking lot.

MR. BABCOCK: You're going to combine both of the lots into one?

MS. PAGANO: Yes.

MR. KANE: So this is currently two separate lots and they're going to be combined into one lot?

MS. PAGANO: Correct.

MR. KANE: And the total requirement, the existing stuff is based on it being one lot like your net lot area proposed 29,000?

MS. PAGANO: Is for the two lots joined together.

MR. KANE: Thank you.

MS. LOCEY: The addition is almost four times as large as the existing building.

MS. PAGANO: Correct.

MR. BABCOCK: It appears they've put a couple jogs in the building so that they could maintain the 13 foot 9 inch that the existing building, other than that probably an entranceway there which is 7 foot, 8 off the rear yard.

MR. KANE: So you've got a total of about 5,000 square feet of office space, how many doctors are we going to have?

MS. PAGANO: I don't know exactly how many, two, three.

MR. KANE: Any further questions, Eric?

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MR. LUNDSTROM: No.

MR. TORPEY: No.

MR. KANE: I'll accept a motion.

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of Dr. Louis Cappa for his request for an 11,443 square foot minimum lot area and 36.25 foot rear yard setback and 35 percent developmental coverage for proposed addition to existing medical office at 534 Blooming Grove Turnpike in a PO zone.

MR. TORPEY: I'll second that.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

DR. LOUIS CAPPA (07-23)

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MR. KANE: Request for 11,443 square foot maximum lot area and 36.25 foot rear yard setback and 35% developmental coverage for proposed addition to existing medical office at 534 Blooming Grove Turnpike.

Mr. Anthony Coppola appeared before the board for this proposal.

MR. COPPOLA: Thank you, Mr. Chairman. My name is Anthony Coppola, I'm the architect who's prepared the site plan and the floor plans. What we're proposing is basically an addition to an existing two level, an existing two level medical office building for Dr. Cappa and the existing building is basically about 1,182 square feet with a storage level below what we're proposing is a one story 3,757 square foot office addition to that building. Dr. Cappa purchased the adjacent lot a couple years ago with the idea of expanding his business and that's basically what we're showing here. As part of our site plan improvements what we're doing basically is the addition will be slightly lower, the finished floor will be slightly lower than the existing finished floor for handicapped accessibility off the new parking lot, there's an existing parking lot here but it basically is kind of not very well defined. We'll basically run a new curbing, new sidewalks and there will probably be storm water retention system under that parking lot to deal with the drainage, this is kind of a low area for the surrounding properties so that's going to be something we're going to be dealing with at the planning board if we're successful here. So the other site plan improvements that we'll be showing will basically be landscaping and screening as per the Planning Board's request. Part of our request here tonight is a rear yard setback, what we're doing in the rear yard here is matching what we have which would be a 13 foot 9 inches that matches the back of the existing office building

and we would be providing screening and landscaping or fencing in the back there as part of our landscaping plans with the planning board. The other variances that we're asking for are basically lot size, this is even when we combine the two lots it's a 32,000 square foot lot 1 acre zoning here so we're short by about 11,000 square feet. The developmental coverage is extremely low in the PO zone, I know I've been here before for other variances, just touch on that item so it's developmental coverage, lot size and rear yard, I think those are the three we're asking for. We conform in terms of parking, we've done that calculation based on the new and the existing so that's all going to be conforming. We're showing basically 33 parking spaces for the entire new building and the existing building, the existing entrance onto New York State Route 94 will not change so it's an existing entrance and we probably will not need DOT's approval cause we're not really we're not planning on doing any work in their right-of-way so that will remain the same. So basically it's going to be basically a whole reconfiguration of this parking lot, going to look all brand new, drainage will all be addressed by a drainage report that we do that will address all that. All of our storm water runoff like I said landscaping we'll add site lighting, there's a refuse enclosure shown on the plan located at the end of the parking lot, the new building is going to be fully handicapped accessible that's required so we'll basically like I said lower that building and that entrance will be at grade. As far as what we're proposing this to look like that's preliminary elevation this shows the existing office building here and then the new addition next to us so we're going to make it a little bit higher in terms of volume do a couple reverse gables, there will probably be two suites associated with this, we're still working on the interior layout, this will not be connected to this, there will be two different floor heights, probably two suites to this and like I said that's all accessible at grade.



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MR. KANE: One story?

MR. COPPOLA: One story slab on grade so there's no basements.

MR. KANE: Both lots are to be combined?

MR. COPPOLA: Yes, that's noted on the drawing.

MR. KANE: Cutting down substantial vegetation or trees in the building of this?

MR. COPPOLA: No.

MR. KANE: Create any water hazards or runoff?

MR. COPPOLA: No.

MR. KANE: Any easements running through the area where you intend to build?

MR. COPPOLA: Yeah, I should of mentioned that. There are two easements actually in the rear of the property, there's a utility easement, these are both existing, there's a utility easement which I think has a sanitary sewer, we're going to be using that and there's a drainage easement, a 15 foot wide drainage easement, I don't think there's any piping in that easement right now, that's basically empty and these easements were created as far as the formation of the subdivision in the rear so those were the 15 foot easements on our property, we can't build anything on that and that's why our plan shows that.

MR. KANE: The building isn't going to go on either easement?

MR. COPPOLA: No.

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MR. LUNDSTROM: Mr. Chairman? Mr. Coppola, you said that the existing building and the new building are not going to be joined together?

MR. COPPOLA: No, I have a photo of the existing building, we may have given that as part of the package but the existing building is up higher and the ramp slopes up to it so it's probably three foot, that floor is probably three foot above the grade at least.

MR. LUNDSTROM: My questions is does that mean that Dr. Cappa is not going to utilize the entire thing, he's going to possibly rent part of it out?

MR. COPPOLA: He will probably rent a portion of it out.

DR. CAPPAL: That part.

MR. COPPOLA: He would move into the new and rent the existing part out.

MR. LUNDSTROM: For the record, may I ask the name of the person that answered?

DR. CAPPAL: I'm Dr. Cappa.

MR. LUNDSTROM: Just for the record. Dr. Cappa would take the entire new building and rent out the old?

DR. CAPPAL: Yes.

MR. KANE: Both maintaining, being a medical?

DR. CAPPAL: Yes, just that it was easier to put on to the other side, the new addition, and design it better cause my old building, you know, it's an older building, it's not the best design for a medical office cause it was an old converted ranch.

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MR. COPPOLA: Once you look at the interior of that new plan, I mean we can get the hallway widths that we need for accessibility, the bathrooms, the circulation for patient flow, all that ends up working much better in a new configuration but it's a little unusual because of the heights of the floors.

MR. KANE: Dr. Cappa, any problem with us adding a provision that states that both buildings need to be in the medical building, that it wouldn't be rented separately as a totally different business, for instance, if somebody wanted to go in there and open up some kind of a store, would you rent that out?

DR. CAPP: Retail, I don't think I'd ever want retail there, it would be only professional, an attorney, an architect, anybody, just professional office.

MR. COPPOLA: Professional office and that's the way the site plan is set up, not for retail.

MR. KANE: At this point, I'll open the public portion of the meeting and ask if anybody's here for this particular hearing? Seeing as not we'll close the public hearing and ask Myra how many mailings.

MS. MASON: On June 26, I mailed out 34 addressed envelopes and had no response.

MR. KANE: Any further questions from the board?

MR. LUNDSTROM: One directed towards the building inspector, Mike, it looks like on the plan itself the plot plan there's an area for two handicapped parking spaces, is that sufficient?

MR. BABCOCK: Yeah, it's based on the number of spaces and he's saying that's what's required, I'm sure it is. And Mr. Chairman, just to clear something up, the building is going to be attached, there will not be

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access between the two, that's the difference.

MR. KANE: Basically going to be one building attached and we're definitely going to combine the lots?

MR. BABCOCK: Yes, the planning board is.

MR. KANE: That I would make part of whatever, whatever proposal.

MR. BABCOCK: But he has to, we wouldn't approve it with a line going through the building through the planning board.

MR. KANE: I feel better getting it on record.

MR. BABCOCK: That's fine.

MR. KANE: Any further questions? I'll accept a motion. When you present your motion, I would just ask that you include that the lots definitely be combined, that it be a condition of approval.

MS. LOCEY: I'll offer a motion on the application of Dr. Louis Cappa to grant the requested variances as listed on the agenda of the July 9 Town of New Windsor Zoning Board of Appeals regular session contingent upon the lots being officially combined and the building being one, the existing portion with its own separate entrance.

MR. TORPEY: I'll second that.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE



# THE SENTINEL

P.O. BOX 406  
VAILS GATE, NY 12584

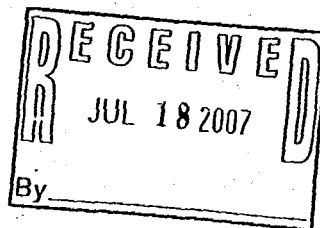
## Invoice

Date	Invoice #
7/9/2007	607

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

P.O. No.	Terms	Project

Issue Date	Description	Rate	Amount
6/29/2007	LEGAL ADS: APPEAL NO. 07-23 CAPPA	15.40	15.40
	1 AFFIDAVIT	4.00	4.00



**Total** \$19.40

**PUBLIC HEARING  
NOTICE  
ZONING BOARD OF  
APPEALS  
TOWN OF NEW  
WINDSOR**

**PLEASE TAKE NOTICE**  
that the Zoning Board of  
Appeals of the TOWN OF  
NEW WINDSOR, New York,  
will hold a Public Hearing on  
the following Proposition:

Appeal No. (07-23)

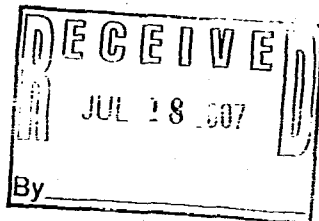
Request of DR. LOUIS  
CAPPA

for a VARIANCE of the  
Zoning Local Law to Permit:

Request for 11,443 sq. ft.  
Minimum Lot Area and; 36.25  
ft. Rear Yard Setback and; 35%  
Developmental Coverage for  
proposed addition to existing  
medical office at 534 Blooming  
Grove Tpk in a PO Zone (46-2-  
50.31)

**PUBLIC HEARING** will  
take place on JULY 9, 2007 at  
the New Windsor Town Hall,  
555 Union Avenue, New  
Windsor, New York beginning  
at 7:30 P.M.

Michael Kane, Chairman



State of New York

County of Orange, ss:

Kathleen O'Brien being duly sworn  
disposes and says that she is  
the Supervisor of Legal Dept. of the  
E.W. Smith Publishing Company; Inc.,  
Publisher of The Sentinel, a weekly  
newspaper published and of  
general circulation in the Town of New  
Windsor, Town of Newburgh and City  
of Newburgh and that the notice of which  
the annexed is a true copy was published  
in said newspaper, 1 time (s)

commencing on

the 29th day of June A.D., 2007

and ending on the 29th day of

June A.D. 2007.

*Kathleen O'Brien*

Subscribed and shown to before me

this 18<sup>th</sup> day of July, 2007.

*Deborah Green*

Notary Public of the State of New York

County of Orange.

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
#4984065  
Commission Expires July 18, 2011

My commission expires \_\_\_\_\_.

# Town of New Windsor

Town Hall  
555 Union Ave.

New Windsor, NY 12553

TEL: 845-563-4623 / FAX: 845-563-4697

## PURCHASE ORDER

49882

SENTIN

DATE	6/25/2007
PAGE NO.	1
CHECK NO.	
TAX EXEMPT NO. 14-6002338	

**SIGN & RETURN TO ADDRESS ABOVE**

VENDOR	SHIP TO
THE SENTINEL THE E.W. SMITH PUBLISHING CO, INC. PO BOX 406 VAILS GATE, NY 12584	Zoning Department Town of New Windsor 555 Union Avenue New Windsor, NY 12553-6140 Attn: Myra Mason

### SPECIAL INSTRUCTIONS

MM

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
1	FUB HEAR NOTCE:6/29 CAPP 10-1010-101620-4-4173	1	20.00	20.00
TOTAL				20.00

NO ORDER VALID UNLESS SIGNED BELOW

DEPARTMENT DIRECTOR

BUSINESS ADMINISTRATOR

#### DEPARTMENTAL CERTIFICATION

I, having knowledge of the facts, certify that the materials and supplies have been received or the services rendered; said certification being based on signed delivery slips or other reasonable procedures.

SIGNATURE

DATE

COMPTROLLER

#### VENDOR CERTIFICATION AND DECLARATION

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

X

VENDOR SIGN HERE

NAME (PRINT OR TYPE)

OFFICIAL POSITION

VENDOR SOCIAL SECURITY NO. OR TAX I.D. NO.

**VENDOR - SIGN AT X AND RETURN WITH INVOICE**



RESULTS OF Z.B.A. MEETING OF: July 9, 2007

PROJECT: Dr. Louis Cappa ZBA # 07-23  
P.B.# \_\_\_\_\_



USE VARIANCE: \_\_\_\_\_ NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

SCHEDULE PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: \_\_\_\_\_ STATEMENT OF MAILING READ INTO MINUTES ✓  
VARIANCE APPROVED: M) LD S) T VOTE: A 5 N 0.

GANN A  
LUNDSTROM A  
LOCEY A  
TORPEY A  
KANE A

CARRIED: Y ✓ N \_\_\_\_\_

No Public Comment

Lots to be combined

July 9, 2007



ZBA '07-23

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#440-2007**

06/12/2007

Cappa, Dr. Louis R.

Received \$ 150.00 for Zoning Board Fees, on 06/12/2007. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

**DR. LOUIS CAPP**

# AFFIDAVIT OF SERVICE BY MAIL

**#07-23**

**X**

STATE OF NEW YORK )  
 ) SS:  
COUNTY OF ORANGE )


That I am not a party to the action, am over 18 years of age and reside at 131 Mt. Airy Road, New Windsor, NY 12553.

That on the 26TH day of JUNE, 2007, I compared the 34 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

26<sup>th</sup> day of June, 2007

  
\_\_\_\_\_  
Notary Public

**JENNIFER GALLAGHER**  
**Notary Public, State of New York**  
**No. 01GA6050024**  
**Qualified in Orange County**  
**Commission Expires 10/30/10**

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

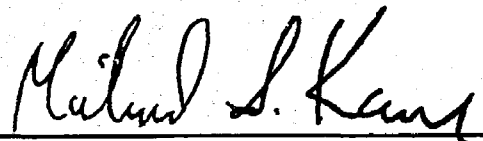
**Appeal No. (07-23)**

**Request of DR. LOUIS CAPPA**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for 11,443 sq. ft. Minimum Lot Area and; 36.25 ft. Rear Yard Setback and;  
35% Developmental Coverage for proposed addition to existing medical office at  
534 Blooming Grove Tpk in a PO Zone (46-2-50.31)**

**PUBLIC HEARING will take place on JULY 9, 2007 at the New Windsor Town  
Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.**

A handwritten signature in black ink, appearing to read "Michael S. Kane", written over a horizontal line.

**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

June 15, 2007

Dr. Louis Cappa  
534 Blooming Grove Tpke.  
New Windsor, NY 12553

Re: 46-2-50.31

ZBA#: 07-23 (36)

*Mailed 34  
applicant did not mail  
2 to themselves.*

Dear Dr. Cappa:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00 minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/rah  
Attachments

CC: Myra Mason, Zoning Board



37-1-52.1  
QUALAMAR CORP.  
PO BOX 1150  
NEWBURGH, NY 12551 ✓

46-2-49  
NEW WINDSOR GROUP, LLC  
PO BOX 415  
TALLMAN, NY 10982 ✓

80-1-38  
VICTOR & MARIA PEREZ  
64 GUERNSEY DR.  
NEW WINDSOR, NY 12553 ✓

46-2-10  
GLADYS NUNEZ  
8 STONE LEDGE LN.  
NEW WINDSOR, NY 12553 ✓

46-2-50.2  
PLANNED PARENTHOOD OF  
ORANGE-SULLIVAN INC.  
532 BLOOMING GROVE TPKE.  
NEW WINDSOR, NY 12553 ✓

80-1-39  
RANDOLPH & PEGGY WOLFE  
62 GUERNSEY DR.  
NEW WINDSOR, NY 12553 ✓

46-2-11  
WILLIAM &  
CHRISTINE JOHNSEN  
9 STONE LEDGE LN.  
NEW WINDSOR, NY 12553 ✓

46-2-50.31  
TOMI ABBOTT ROSE  
C/O LOUIS CAPP  
534 BLOOMING GROVE TPKE.  
NEW WINDSOR, NY 12553

80-1-40  
JOHN & TINA REILLY  
60 GUERNSEY DR.  
NEW WINDSOR, NY 12553 ✓

46-2-12  
PAUL & MISAKO ROACH  
7 STONE LEDGE LN.  
NEW WINDSOR, NY 12553 ✓

46-2-51.2,54.1  
JACK & CLAUDIA ARANSON  
PO BOX 4360  
NEW WINDSOR, NY 12553 ✓

80-1-41  
JAIME & MARA PERICO  
58 GUERNSEY DR.  
NEW WINDSOR, NY 12553 ✓

46-2-13  
ANH THIT TRAN &  
KHOA VAN PHAM  
5 STONE LEDGE LN.  
NEW WINDSOR, NY 12553 ✓

46-2-56.2,58.2,59.2,61.2,62.2,64.2  
BRONFMAN FISHER REAL EST.  
HOLDINGS LLC  
400 RELLA BLVD. STE 212  
MONTBELLO, NY 10901 ✓

80-1-42  
ALEXANDER &  
SHARINE PERICO  
56 GUERNSEY DR.  
NEW WINDSOR, NY 12553 ✓

46-2-26  
LYNNE HERTER &  
DAVID DEWITT, JR.  
15 HORSE SHOE BEND  
NEW WINDSOR, NY 12553 ✓

46-2-60  
NUMBER ONE SHED, INC.  
520 BLOOMING GROVE TPKE.  
NEW WINDSOR, NY 12553 ✓

80-1-43  
TERESA ALBAUGH  
201 BUTTERHILL DR.  
NEW WINDSOR, NY 12553 ✓

46-2-27  
JOHN MURPHY &  
TRACEY FINN  
13 HORSE SHOE BEND  
NEW WINDSOR, NY 12553 ✓

46-2-66.2  
534 BLOOMING GROVE TPKE. INC.  
D/B/A CAPP REALTY  
534 BLOOMING GROVE TPKE.  
NEW WINDSOR, NY 12553

80-1-45  
SDC REALTY CORP.  
557 BLOOMING GROVE TPKE.  
NEW WINDSOR, NY 12553 ✓

46-2-28  
LYNN MILLS WOLFINGER  
11 HORSE SHOE BEND  
NEW WINDSOR, NY 12553 ✓

80-1-35  
ROBERT & JOANNE COLEMAN  
70 GUERNSEY DR.  
NEW WINDSOR, NY 12553 ✓

80-7-1  
DAVID & MICHELE STEINBERG  
53 GUERNSEY DR.  
NEW WINDSOR, NY 12553 ✓

80-1-34  
CHARLES & JOANN PULLIAM  
72 GUERNSEY DR.  
NEW WINDSOR, NY 12553 ✓

80-1-36  
ELIZABETH DISCALA  
68 GUERNSEY DR.  
NEW WINDSOR, NY 12553 ✓

80-7-9  
JAMES SMITH &  
DIANE CASSELL-SMITH  
37 GUERNSEY DR.  
NEW WINDSOR, NY 12553 ✓

80-7-8  
KEVAN & JAYNE SCHAUM  
39 GUERNSEY DR.  
NEW WINDSOR, NY 12553 ✓

80-1-37  
ROBERT & NORA BUSH  
66 GUERNSEY DR.  
NEW WINDSOR, NY 12553 ✓

80-1-16  
BORIS &  
CHRISTINA LONKEWYCZ  
33 GUERNSEY DR.  
NEW WINDSOR, NY 12553 ✓

80-1-17  
WILLIAM & KATHLEEN VACCA  
PO BOX 4013  
NEW WINDSOR, NY 12553 ✓

46-2-9  
JOSEPH & SALLY SANTO  
6 STONE LEDGE LN.  
NEW WINDSOR, NY 12553 ✓

46-2-50.1  
PETER & DANIEL BLOOM  
530 BLOOMING GROVE TPKE.  
NEW WINDSOR, NY 12553 ✓

46-2-51.1  
JOSEPH & HELEN BROWN  
560 BLOOMING GROVE TPKE.  
NEW WINDSOR, NY 12553 ✓

46-2-52  
ROBERT &  
SUSANNE DE SANTIS  
53 WILLOW LN.  
NEW WINDSOR, NY 12553 ✓

46-3-1,2  
SDC REALTY CORP.  
555 BLOOMING GROVE TPKE.  
NEW WINDSOR, NY 12553 ✓

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 06-06-07

FOR: ESCROW 07-23

FROM:

**Dr. Louis Cappa**  
**534 Blooming Grove Tpk.**  
**New Windsor, NY 12553**

CHECK FROM:  
SAME

CHECK NUMBER: 4068

TELEPHONE: 562-7285

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

J. Henratty 6-11-07  
NAME DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



RESULTS OF ZBA MEETING OF:

June 13, 2007

PROJECT: Dr. Louis Cappa

ZBA # 07-23

P.B.# \_\_\_\_\_

USE VARIANCE:

NEED: EAF \_\_\_\_\_

PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

SCHEDULE PUBLIC HEARING:

M) Lo S) I

VOTE: A 4 N 0

*A*  
GANN \_\_\_\_\_  
LUNDSTROM A  
LOCEY A  
TORPEY A  
KANE A

CARRIED: Y ✓ N \_\_\_\_\_

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_

VARIANCE APPROVED:

M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

Trees - No

Water - No

Lots to be combined

June 13, 2007 Agenda





07-23



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

\_\_\_\_\_ Date      Application Type: Use Variance ☐ Area Variance ☒  
Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: ( ) \_\_\_\_\_  
Dr. Louis and Jill Cappa Fax Number: ( ) \_\_\_\_\_  
(Name)

534 Blooming Grove Turnpike, New Windsor, New York 12553  
(Address)

II. **Applicant:** Phone Number: ( ) \_\_\_\_\_  
Dr. Louis and Jill Cappa Fax Number: ( ) \_\_\_\_\_  
(Name)

534 Blooming Grove Turnpike, New Windsor, New York 12553  
(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ( ) \_\_\_\_\_  
Dr. Louis and Jill Cappa Fax Number: ( ) \_\_\_\_\_  
(Name)

534 Blooming Grove Turnpike, New Windsor, New York 12553  
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ( 845 ) 561-3559  
Fax Number: ( 845 ) 561-2051

Anthony J. Coppola, R.A.  
(Name)  
3 Washington Center, 2nd Floor, Newburgh, New York 12553  
(Address)

V. **Property Information:**

Zone: PO Property Address in Question: 534 Blooming Grove Turnpike, New Windsor  
Lot Size: 32,117 sq.ft Tax Map Number: Section 46 Block 2 Lot 50.31

- a. What other zones lie within 500 feet? R-4  
b. Is pending sale or lease subject to ZBA approval of this Application? NO  
c. When was property purchased by present owner?  
d. Has property been subdivided previously? NO If so, When:  
e. Has an Order to Remedy Violation been issued against the property by the  
Building/Zoning/Fire Inspector? NO  
f. Is there any outside storage at the property now or is any proposed? NO

**\*\*\*\*PLEASE NOTE:\*\*\*\*\***

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF  
SUBMITTAL.**

COMPLETE THIS PAGE ☐

07-23

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Disapproval form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area	43560 sf	32117	11443 sf
Min. Lot Width	125 ft	207	
Reqd. Front Yd.	45 ft	94+	
Reqd. Side Yd.	20 ft	21+	
Reqd. Rear Yd.	50 ft	13.75	36.25 ft
Reqd. St Front*	70 ft	207	
Max. Bldg. Hgt.	35 ft	<35	
Min. Floor Area*	N/A	N/A	
Dev. Coverage*	20 %	55%	35%
Floor Area Ration**	N/A	N/A	
Parking Area	33	33	

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐

07-23

**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
**TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS**

Dr. Louis Coppa, deposes and says that he resides  
(OWNER)

at 535 Blooming Grove Turnpike, New Windsor, New York 12553 in the County of Orange  
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map

(Sec.        Block        Lot       )  
designation number (Sec. 48 Block 2 Lot 50.31) which is the premises described in  
the foregoing application and that he authorizes:

\_\_\_\_\_  
(Applicant Name & Address, if different from owner)

Anthony J. Coppola, R.A.

(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: \_\_\_\_\_

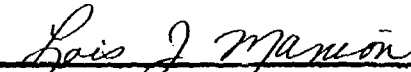
Sworn to before me this:

17 day of April 2007

\*\*

  
Owner's Signature (MUST BE NOTARIZED)

\_\_\_\_\_  
Applicant's Signature (If different than owner)



Signature and Stamp of Notary

\_\_\_\_\_  
Representative's Signature

**THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.**

**\*\* PLEASE NOTE:**

**ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

LOIS J. MANION  
Notary Public Reg. No. 01MA4947834  
Orange County, New York  
Commission Expires Feb. 27, 20 11

COMPLETE THIS PAGE ☐

07-23

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
  - ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
  - ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
  - ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

17 day of April 2007.

Lois J. Manion  
Signature and Stamp of Notary

[Signature]  
Owner's Signature (Notarized)

Till Coppola  
Owner's Name (Please Print)

[Signature]  
Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

LOIS J. MANION  
Notary Public Reg. No. 01MA4947634  
Orange County, New York  
Commission Expires Feb. 27, 20 11

07-23  
COMPLETE THIS PAGE ☐

## Appendix C

## State Environmental Quality Review

**SHORT ENVIRONMENTAL ASSESSMENT FORM**

For UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

<b>1. APPLICANT/SPONSOR</b> Louis and Jill Cappa	<b>2. PROJECT NAME</b> 534 Blooming Grove Turnpike
<b>3. PROJECT LOCATION:</b> Municipality <u>Town of New Windsor</u> County <u>Orange</u>	
<b>4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)</b> 534 Blooming Grove Turnpike	
<b>5. PROPOSED ACTION IS:</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
<b>6. DESCRIBE PROJECT BRIEFLY:</b> New 3750 square foot building to be used as a medical office	
<b>7. AMOUNT OF LAND AFFECTED:</b> Initially <u>.4</u> acres    Ultimately <u>.4</u> acres	
<b>8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
<b>9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?</b> <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
<b>10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
<b>11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
<b>12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Jill Cappa</u> Date: _____ Signature: <u>[Signature]</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.

☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

☒ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

NO

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

NO

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

NO

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

☐ Yes ☒ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☒ No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (if different from responsible officer)

07-23



## TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)



### ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST (PRELIMINARY) MEETING.

\*

#### ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

\*\*

LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME



## **PUBLIC HEARING LIST OF PROPERTY OWNERS**

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE). BRING ENOUGH ENVELOPES PREPARED WITH YOUR RETURN ADDRESS AND A REGULAR \$.39 STAMP WITH YOU....YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.
3. WHEN YOU COME IN TO PICK UP YOUR LIST, ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL. YOU WILL BE GIVEN ENOUGH "NOTICES OF PUBLIC HEARING" TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)
4. **BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY.**

**NOTE:**

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

This application combines an unusable lot with an existing lot containing a small  
office building. An addition to the existing building is the only option. The area variances sought by this application are  
each pre-existing non-conforming conditions on the property(ies). The proposal fits into the existing land uses, and  
neighborhood.

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**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

07-23

**Orange County Department of Planning**  
**Application for Mandatory County Review of Local Planning Action**  
**(Variances, Zone Changes, Special Permits, Subdivisions)**

To be completed by Local Board having jurisdiction.  
To be signed by Local Official.

MUNICIPALITY: TOWN OF NEW WINDSOR

TAX MAP ID: 46-2-50.31  
(Section-Block-Lot)

Local File #: 07-23

Please refer to this number in any correspondence.

Project Name: DR. LOUIS CAPP

Applicant: DR. LOUIS CAPP

Address: 534 BLOOMING GROVE TPK - NW

Send Copy of Letter to Applicant: (check one)

Yes ☒ No ☐

Attorney, Engineer, Architect: \_\_\_\_\_

Location of Site: 534 BLOOMING GROVE TPK - NEW WINDSOR, NY

(Street, highway, nearest intersection)

Size of Parcel: \_\_\_\_\_

Existing Lots: \_\_\_\_\_

Proposed Lots/Units: ADDITION

Present Zoning District: PO

**TYPE OF REVIEW:**

☐ Site Plan (SP): \_\_\_\_\_

☐ Special Use Permit\* (SUP) \_\_\_\_\_

☒ Variance\* USE (UV): \_\_\_\_\_

AREA (AV): addition to existing medical office to be used for additional medical space.

☐ Zoning District Change\* From: \_\_\_\_\_ To: \_\_\_\_\_

☐ Zoning Amendment To Section: \_\_\_\_\_

☐ Subdivision: Major \_\_\_\_\_ Minor \_\_\_\_\_

☐ Sketch

☐ Preliminary

☐ Final (Please indicate stage)

☐ Other Comments: \_\_\_\_\_

Date: 06-06-07

\_\_\_\_\_  
Signature

\* Cite Section of Zoning Regulations where pertinent.

**FOR COUNTY USE ONLY**

County ID# \_\_\_\_\_

GML 239 Referral Guide – 02/27/2007



Bulk Table Requirements for PO Zoning District, combined lots			
Town of New Windsor, N.Y.			
Requirements	Required	Proposed	Variance
Minimum Lot Area	43,560 s.f.	32,117*	11,443 s.f. *
Net Lot Area (after easements)	26,136 s.f.	29,889 s.f.	
Lot Width	125 ft.	207 ft	
Front Yard Setback	45 ft.	94 ft	
Rear Yard Setback	50 ft.	13'-9"***	36'-3"***
Side Yard Setback	20/40	21/66	
Max. Building Height	35	<35'	
Required Street Frontage	70	207	
Floor Area Ratio	n/a	n/a	
Development Coverage	20%	55% *	35% *

**\*\* Matches existing non-conforming setback at existing building.**

1. Two adjacent lots are currently under the same ownership by the applicant.
2. The proposal is for the combination of the 2 lots, with a new addition to the existing office building.
3. Access to Blooming Grove Turnpike will remain unchanged.
4. The proposed addition is 1 story, 3,757 s.f., wood framed office building.
5. The office use is allowable in the PO zoning district under the Town of New Windsor Zoning Ordinance.
6. The proposed building will not be sprinklered.
7. The project applicant is Dr. Louis Cappa, 534 Blooming Grove Turnpike, New Windsor. 562-7285
8. All building signs shall conform to the Town of New Windsor sign ordinance Section 48-18H.
9. Boundary and topographical information from a recent survey by Anthony A. Sorace.

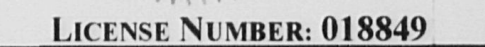


Parking Requirements		
Town of New Windsor, N.Y.		
Requirements	Required	Proposed
Parking Space Size	9'-0"x19'-0"	9'-0"x19'-0"
Required HC Parking	2	2
Required Parking	1/150 s.f. = 4932/150 = 33	33



COPPOLASSOCIATES

**3 Washington Center  
Second Floor  
Newburgh, NY 12550  
TEL: 845-561-3559  
FAX: 845-561-2051  
coppolaassociates@verizon.net**



**534**  
**BLOOMING**  
**GROVE TPKE**

**New Windsor, New York**

REVISIONS	

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**DATE**

5/1/07

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**PROJECT NUMBER**

06-111

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**SHEET NUMBER**

# SP1